



Community Development Department

DATE: October 6, 2020

FROM: Ben Ehreth, AICP, Community Development Director

ITEM: Silver Ranch Third Addition – Partial Annexation, Zoning Change, Fringe Area Road Master Plan Amendment and Major Subdivision Final Plat

REQUEST

Investcore, Inc. and Silver Ranch 18, LLLP are requesting approval of a partial annexation; a zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential and P – Public zoning districts; a Fringe Area Road Master Plan amendment to shift the location of the north-south collector (Silbernagel Drive) approximately 750 feet to the east; and a major subdivision final plat for Silver Ranch Third Addition. The requested actions would allow the future development of a mixed density residential area with an elementary school site.

The property is located in northeast Bismarck, on the north side of 43rd Avenue NE east of 52nd Street NE (part of the S½ of Section 18, T139N-R79W/Gibbs Township).

Please place this item on the October 13, 2020 and October 27, 2020 City Commission meeting agendas.

BACKGROUND INFORMATION

The Planning and Zoning Commission held a public hearing on these items on August 26, 2020 and a continued public hearing on September 23, 2020.

No residents spoke at the public hearing and no written comments were received.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission recommended approval of the partial annexation; the zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential and P – Public zoning districts; a Fringe Area Road Master Plan amendment to shift the north-south collector (Silbernagel Drive) approximately 750 feet to the east; and a major subdivision final plat for Silver Ranch Third Addition on a 6-3 vote and with the following conditions: 1) Easements for emergency vehicle turnarounds are obtained immediately beyond the termini of any

roads where necessary to meet fire apparatus access roadway standards of the International Fire Code; and 2) The City would not enter into any contracts relating to the construction of municipal infrastructure in any delineated wetland areas until a resolution on the jurisdictional determination, avoidance and mitigation is achieved with the US Army Corps of Engineers.

RECOMMENDED CITY COMMISSION ACTION

October 13th meeting of the Board of City Commissioners – consider the partial annexation as outlined in Ordinance 6439, the zoning change as outlined in Ordinance 6440, and the Fringe Area Road Master Plan amendment and call for a public hearing on these items for the October 27th meeting of the Board of City Commissioners.

October 27th meeting of the Board of City Commissioners – hold a public hearing on the partial annexation as outlined in Ordinance 6439, the zoning change as outlined in Ordinance 6440, and the Fringe Area Road Master Plan amendment; consider the request for approval of the major subdivision final plat for Silver Ranch Third Addition; and take final action on the four related requests.

STAFF CONTACT INFORMATION

Ben Ehreth, AICP | Community Development Director, 355-1842 or behreth@bismarcknd.gov

Kim L. Lee, AICP | Planning Manager, 355-1846 or klee@bismarcknd.gov

Daniel Nairn, AICP | Senior Planner, 355-1854 or dnairn@bismarcknd.gov

ORDINANCE NO. 6439

First Reading

Second Reading

Final Passage and Adoption

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota, as follows:

Lots 1-7, Block 1; Lots 1-2 and 44-48, Block 2; Lots 11-14, Block 3; Lots 10-11, Block 4; Lots 1-10, Block 5; Lots 1-2 and 15-16, Block 6; Lots 1-2 and 15-16, Block 7; Lots 1-2 and 26-30, Block 8; Lot 1, Block 9; Lots 1-28, Block 10; Lots 1-28, Block 11; Lots 1-3 and 12-22, Block 12; Lots 1-3, Block 13; Lots 13-19, Block 14; and Lot 1, Block 15, Silver Ranch Third Addition.

The above described tract of land contains 70.87 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this Ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota.

ORDINANCE NO. 6440

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the R10-Residential zoning district:

Lots 1-7, Block 1; Lots 1-48, Block 2; Lots 1-25, Block 3; Lots 1-21, Block 4; Lots 1-18, Block 5; Lots 1-16, Block 6; Lots 1-16, Block 7; Lots 1-19 and Lots 22-30; Block 8; Lot 1, Block 9; Lots 1-26 and Lot 28; Block 10; Lots 1-28, Block 11; Lots 1-22, Block 12; Lots 1-13, Block 13; Lots 1-5 and Lots 7-19, Block 14, Silver Ranch Third Addition.

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the RM20-Residential zoning district:

Lot 27, Block 10; and Lot 1, Block 15, Silver Ranch Third Addition.

Section 3. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A-Agricultural zoning district and included in the P-Public zoning district:

Lots 20-21, Block 8; Lot 6, Block 14; and Lot 2, Block 15, Silver Ranch Third Addition.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

RESOLUTION

AMENDMENT TO THE FRINGE AREA ROAD MASTER PLAN IN SECTION 18, T139N-R79W/GIBBS TOWNSHIP

WHEREAS, the Board of City Commissioners of the City of Bismarck, North Dakota, wishes to amend the 2014 Bismarck/Burleigh County Fringe Area Road Master Plan (FARMP), as amended, governing expansion of the roadway network to support anticipated growth; and

WHEREAS, the Bismarck Planning and Zoning Commission adopted the FARMP on August 27, 2014 and the Board of City Commissioners received the FARMP on September 9, 2014.

WHEREAS, the City of Bismarck finds it necessary, from time to time, to amend portions of the FARMP to further the public interest; and

WHEREAS, the proposed amendment does reflect a change in conditions since the FARMP was adopted or last amended in the vicinity.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota to amend the 2014 Bismarck/Burleigh County Fringe Area Road Master Plan, as amended, as follows and as shown on the attached exhibit:

Shift the north-south collector in Section 18, T139N-R79W/Gibbs Township approximately 750 feet to the east to align with Silbernagel Drive in Silver Ranch Second Addition, to the south across 43rd Avenue NE, in the City of Bismarck, Burleigh County, North Dakota.

BE IT FURTHER RESOLVED that the Community Development Director of the City of Bismarck and the Policy Board of the Bismarck-Mandan Metropolitan Planning Organization is directed to revise all subsequent publications of the Fringe Area Road Master Plan to reflect the amendments hereby resolved.

Adopted this 27th day of October, 2020.

CERTIFICATE

The undersigned, duly qualified member of the Bismarck Board of City Commissioners and City Administrator of the City of Bismarck, certify that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Board of City Commissioners held on October 27, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 27th day of October, 2020.

(SEAL)

Steve Bakken, President
Board of City Commissioners
Bismarck, North Dakota

ATTEST:

Keith Hunke, City Administrator
Bismarck, North Dakota



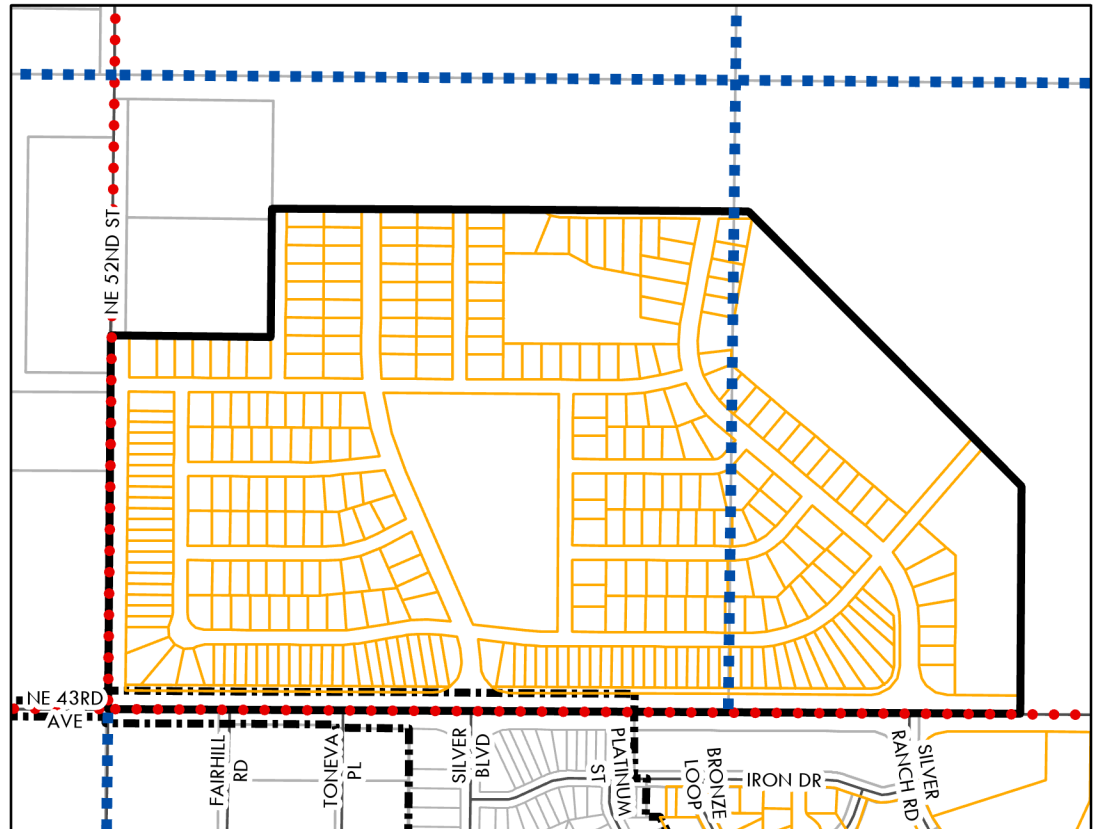
Existing Plan

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

Associated Project Area

City Limits



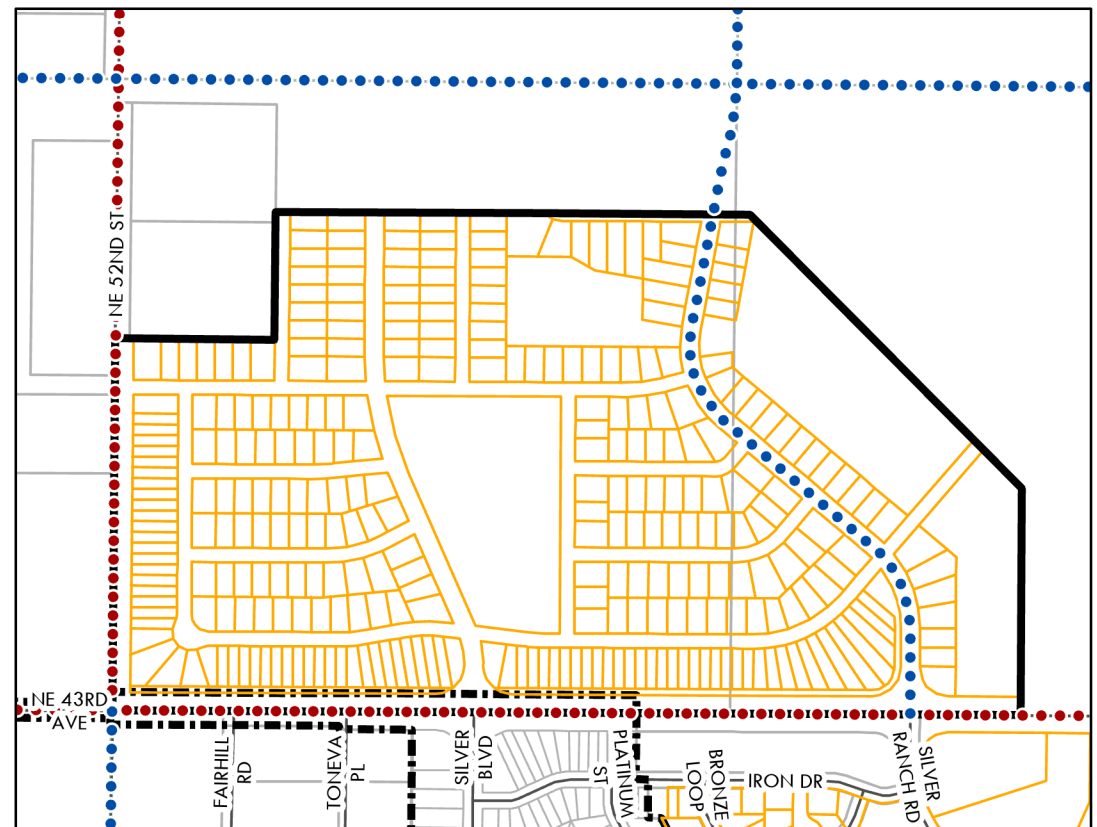
Proposed Plan

0 0.05 0.1 0.2 Miles



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

City of Bismarck
Community Development
Department
Planning Division
June 16, 2020





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

September 23, 2020

Application for: Annexation

Zoning Change

Fringe Area Road Master Plan Amendment

Major Subdivision Final Plat

TRAKiT Project ID: ANN2020-005

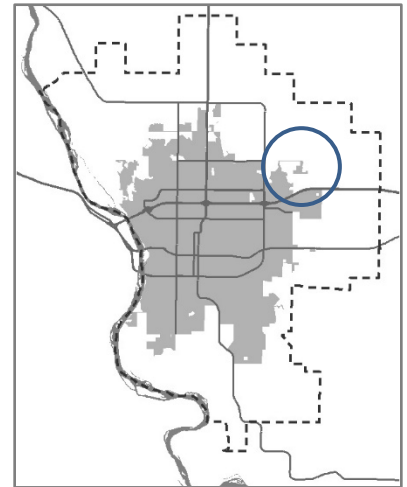
ZC2020-006

FRMP2020-002

FPLT2020-010

Project Summary

Title:	Silver Ranch Third Addition
Status:	Planning & Zoning Commission – Public Hearing (Continued)
Owner(s):	Silver Ranch 18, LLLP (owner) Investcore, Inc. (applicant)
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	Northeast of Bismarck, on the north side of 43 rd Avenue NE (part of the S½ of Section 18, T139N-R79W/Gibbs Township)
Project Size:	158.99 Acres
Request:	Plat, zone, and partially annex undeveloped land for future development of single-family residential, multi-family residential and a potential elementary school site



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Parts of 7 parcels	Number of Lots:	294 lots in 15 blocks
Land Use:	Undeveloped	Land Use:	Single, two-family, and multi-family residential, potential school site
Designated GMP	Low Density Residential	Designated GMP	Low Density Residential
Future Land Use:	Medium Density Residential	Future Land Use:	Medium Density Residential
Zoning:	A – Agricultural	Zoning:	R10 – Residential RM20 – Residential P – Public Use
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	Uses Allowed:	R10 – Single and two-family residential RM20 – Multi-family residential P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	R10 – 10 units / acre RM20 – 20 units / acre

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Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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Staff Analysis

Investcore, Inc. and Silver Ranch 18, LLLP are requesting approval of a partial annexation; a zoning change from the A – Agricultural zoning district to the R10 – Residential and RM20 – Residential, and P – Public zoning districts; a Fringe Area Road Master Plan amendment; and a major subdivision final plat for Silver Ranch Third Addition.

The Planning and Zoning Commission considered this request at their meeting of June 24, 2020 and called for a public hearing on the zoning change and Fringe Area Road Master Plan amendment and tentatively approved the preliminary plat. A public hearing was held on August 26, 2020, and the Planning and Zoning Commission continued the hearing until the next regularly scheduled meeting.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 14th and 21st, and 27 letters were mailed to the owners of nearby properties on August 14th. The continuation of the hearing satisfies notice requirements.

The stated intent of the motion to continue was to allowed time for the County Engineer to be consulted regarding this proposed plat. The County Engineer has submitted a comment regarding secondary access and the condition of 43rd Avenue NE, which is attached to this staff report.

Adjacent uses include undeveloped agricultural land to the north and east, developing single and two-family urban residences to the southeast, and existing rural residences to the southwest and west.

The plat includes a large site in the center (Lot 1, Block 9) reserved for a potential elementary school. During their June 22, 2020 regular meeting, the Bismarck Public Schools Board approved a purchase agreement with the developer for this school site. The purchase agreement is contingent upon approval by the City Commission of this annexation and adequate provision

of city services to the site. The school is tentatively scheduled to open for the fall of 2022.

The annexation request includes a total of 125 lots on 70.78 acres, including the school site, and all lots that are adjacent to roadways or utility infrastructure necessary to serve the school site. A map of the area proposed for annexation is attached to this staff report.

The timeline for the school site is the determinant factor for the applicant in the timing of this plat and annexation. Although undeveloped residential lots are currently available in previously platted and annexed areas to the south, this plat and annexation is intended to meet the more immediate desire for a school site.

Conformance to Comprehensive Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies portions of this area as Low-Density Residential (LDR) and other portions as Medium-Density Residential (MDR). The proposed plat includes mostly single and two-family residences in the LDR portion for a gross density of 1.87 units per acre. The MDR portion is similar, although also includes two multi-family residential lots. The average density of this portion is 4.73 units per acre, excluding unbuildable lands use for stormwater detention or park land and assuming all residential-zoned parcels develop as such. Staff affirms the proposed plat conforms to the Future Land Use Plan.

The Growth Phasing Plan identifies this entire plat as a Future Urban Growth Area. The area of this plat cannot currently be served with city utilities until a sanitary sewer trunkline is extended through the undeveloped areas southeast of this plat. Additionally, a water main must be extended for approximately $\frac{3}{4}$ of mile from the existing city limits to provide sufficient water pressure to support development. An easement for this water main route was approved by the City Commission in May 2020. A second water main

(continued)

connection to Silver Ranch First Addition to the south would also be necessary to create a loop.

Generalized Water and Sewer Service to Subdivision



The City would not be responsible for any costs of infrastructure in the Future Urban Growth Area, per the Growth Phasing Plan. Questions remain regarding potential indirect and long-term impacts that may result from this annexation. Such costs may include, but are not limited to, a potential need to upgrade a sanitary sewer interceptor for the Hay Creek watershed, a potential need to improve the segment of 43rd Avenue NE between this development and the remainder of the city, a potential need to construct a new fire station once warranted by growth in this area, and potential improvements necessary to create a more direct secondary access from the city to this area.

The Fringe Area Road Master Plan includes a proposed north-south collector roadway through the eastern portion of this plat. This collector generally aligns with the proposed Silbernagel Drive (previously named Silver Ranch Road), and the applicant has requested an amendment to this Plan to shift the location of this roadway, at the south end, approximately 750 to the east. The intent of the Plan would remain intact with this amendment and would allow Silbernagel Drive to align across 43rd Avenue NE between this plat and Silver Ranch Second Addition to the south. Staff supports this Plan amendment request.

Transportation and Access

The primary access to the site is via 43rd Avenue NE, a two-lane rural section roadway. The segment of 43rd Avenue NE adjacent to this parcel was recently improved with pavement by Burleigh County. Access would also be provided from 52nd Street NE from the west side of the subdivision. As such, the development complies with the terms of the Secondary Roadway Access Policy for the subdivision.

However, access concerns have been raised for the entire developed area, because the connection to the remainder of the city is through a single segment of 43rd Avenue NE west of the proposed subdivision. If this roadway were to be blocked, emergency vehicles would be rerouted, adding approximately three miles to a trip. Secondary access concerns could be remedied with future roadway extensions to the south of the Silver Ranch development, either an extension of East Century Avenue or a connection from Hitchcock Drive to NE 52nd Street.

If the site is developed as a school, additional measures would be taken to ensure pedestrian safety around the school. The location of the school in the center of the subdivision, rather than adjacent to an arterial roadway, will create a safer environment for students walking to and from the school site.

The Central Dakota Communications Center (CenCom) has worked with the applicant and city staff to determine street names that are acceptable to all parties. The conditions previously recommend by staff has been removed.

Halverson Avenue (previously Era Bell Thompson on the preliminary plat), on the north end of the plat, would be dedicated as a half right-of-way on this plat. The street may not be constructed and Lots 9-14, Block 8 may not be developed until additional right-of-way is dedicated to the north.

Temporary turnarounds for emergency vehicles may be necessary at the termini of Silbernagel Drive, Silver Boulevard, Keeble Drive, Hample Drive, and Davies Drive if the platted segments of the right-of-way is constructed without continuation of the roadway beyond the boundary of the plat. Staff recommends a

(continued)

condition that would allow the possibility of any easement at the end of each of these roadways, if warranted at time of development.

The proposed collector of Silbernagel Drive provides some direct access to certain adjoining properties, but the access would be more limited than the adjoining local roads, in line with the definition of collector in the ordinance. Another roadway, Silver Boulevard, also provides a north-south connection entirely through this subdivision. Given the high degree of connectivity of the street network, staff is not concerned that Silbernagel Drive would receive traffic volumes at a level incompatible with direct driveway access.

Parks and Open Space

The Neighborhood Parks and Open Space ordinance and policy requires a neighborhood park in any urban residential subdivision, unless waived by the Bismarck Parks and Recreation District. The Park Board waived this requirement during their May 21, 2020 regular meeting, with the understanding that both a regional and neighborhood park may be included in a future phase of Silver Ranch to the east.

A drainage area would be left undeveloped in the northeastern portions of this plat. These areas will be used for stormwater storage and conveyance, as well as a multiuse trail and park space. The Bismarck Parks and Recreation Board voted to accept purchase of the unbuildable Lots 20-21, Block 8, Lot 6, Block 14, and Lot 2, Block 15 on September 17, 2020. The P – Public zoning district initially requested remains the most appropriate district, and a condition previously recommended to provide flexibility in zoning has been removed.

The Bismarck Parks and Recreation Board voted to accept purchase of the unbuildable Lots 20-21, Block 8, Lot 6, Block 14, and Lot 2, Block 15 on September 17, 2020. The P – Public zoning district initially requested remains the most appropriate district, and there is no longer the need for flexibility to change districts.

The area includes a series of wetlands. A jurisdictional determination is pending from the U.S. Army Corps of Engineers, with possible measures necessary to mitigate any impacts to these wetlands from development or

construction of infrastructure. The City Engineer conditionally approved the post construction stormwater management permit and noted that a final resolution of wetland permitting process may require amendments to the permit and/or the plat.

Two separate unbuildable lots would be included on the north side of 43rd Avenue NE. These lots would be used for landscaping and signage to create a buffer between the arterial roadway and the backyards of adjoining lots. These unbuildable lots would be owned and maintained by a homeowners' association. There would also be approximately 23 double-frontage lots along the 52nd Street NE arterial roadway. An average lot depth of approximately 190 feet is sufficient, according to ordinance requirements, to allow a landscaped buffer adjacent to the arterial roadway on individual lots.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to annexation or establishment of the street improvement district for this subdivision, whichever is initiated last.

Required Findings of Fact (relating to land use)

Annexation

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed, provided that the developer pays for extension of water and sewer services to and through this development;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;

(continued)

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed, provided necessary sanitary sewer trunklines and water mains are extended to the boundaries of the subdivision;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Fringe Area Road Master Plan Amendment

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended;

3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed, provided that the developer pays for extension of water and sewer services to and through this development;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area

(continued)

where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;

9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval for the partial annexation; the zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential and P – Public zoning districts; the Fringe Area Road Master Plan amendment to shift the location of the north-south collector approximately 750 feet to the east; and the major subdivision final plat for Silver Ranch Third Addition, with the following conditions:

1. Easements for emergency vehicle turnarounds are obtained immediately beyond the termini of any roads where necessary to meet fire

apparatus access roadway standards of the International Fire Code.

2. The City would not enter into any contracts relating to the construction of municipal infrastructure in any delineated wetland areas until a resolution on the jurisdictional determination, avoidance and mitigation is achieved with the US Army Corps of Engineers.

Attachments

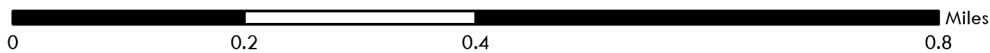
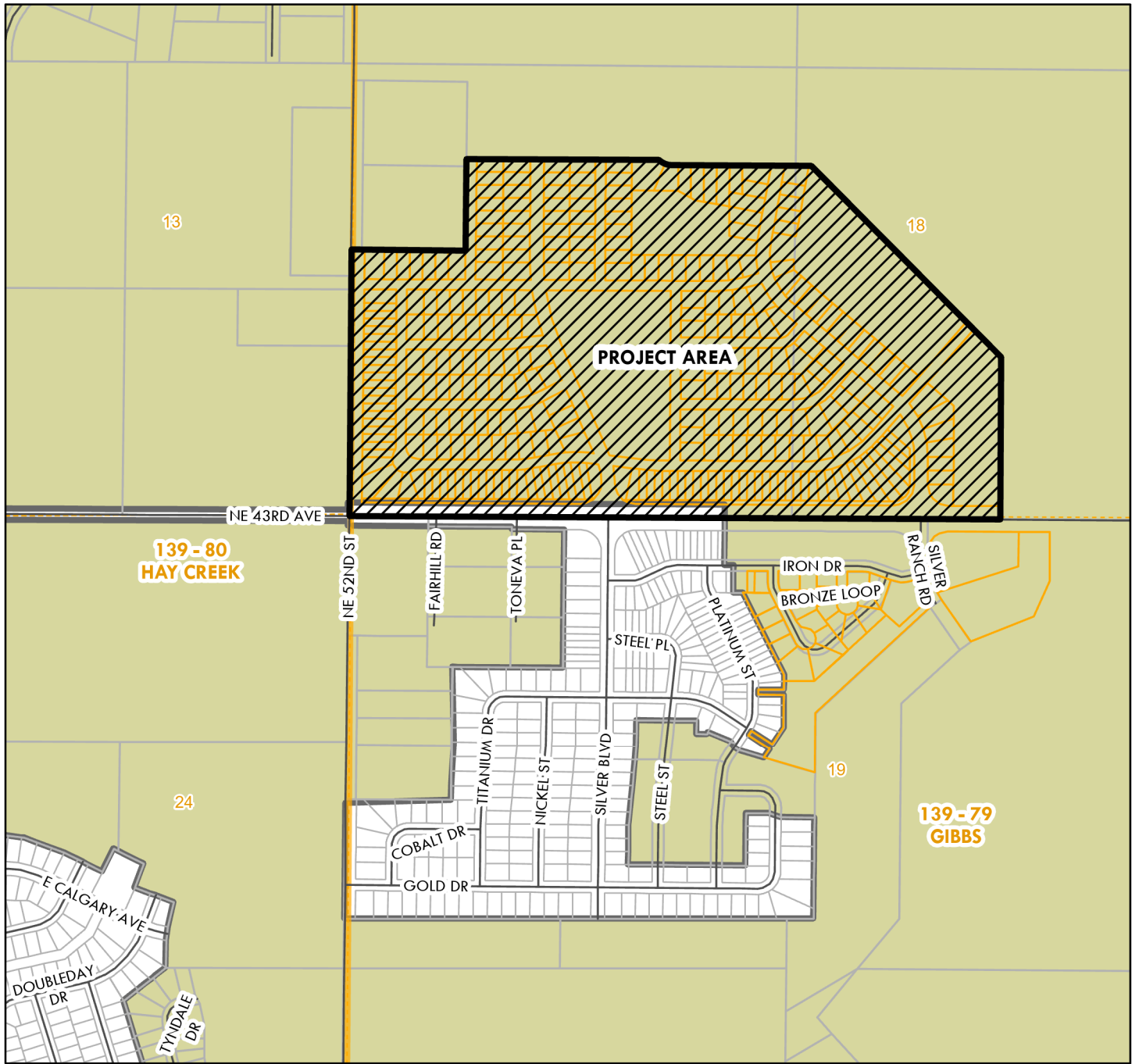
1. Location Map – Plat and Zoning
2. Location Map – Annexation
3. Aerial Map
4. Zoning and Plan Reference Map
5. Fringe Area Road Master Plan Amendment Request
6. Fringe Area Road Master Plan Map
7. Proposed Zoning Map
8. Final Plat
9. Preliminary Plat
10. Letter from Marcus Hall, County Engineer



Location Map

SILVER RANCH THIRD ADDITION

PPLT2020-005

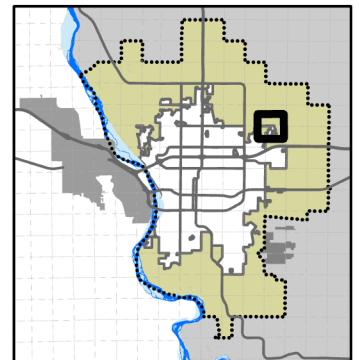


- City Limits
- County Outside ETA
- Bismarck ETA Jurisdiction
- Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
May 27, 2020 (HLB)

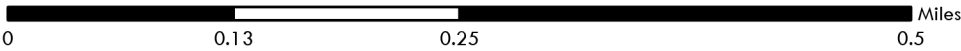
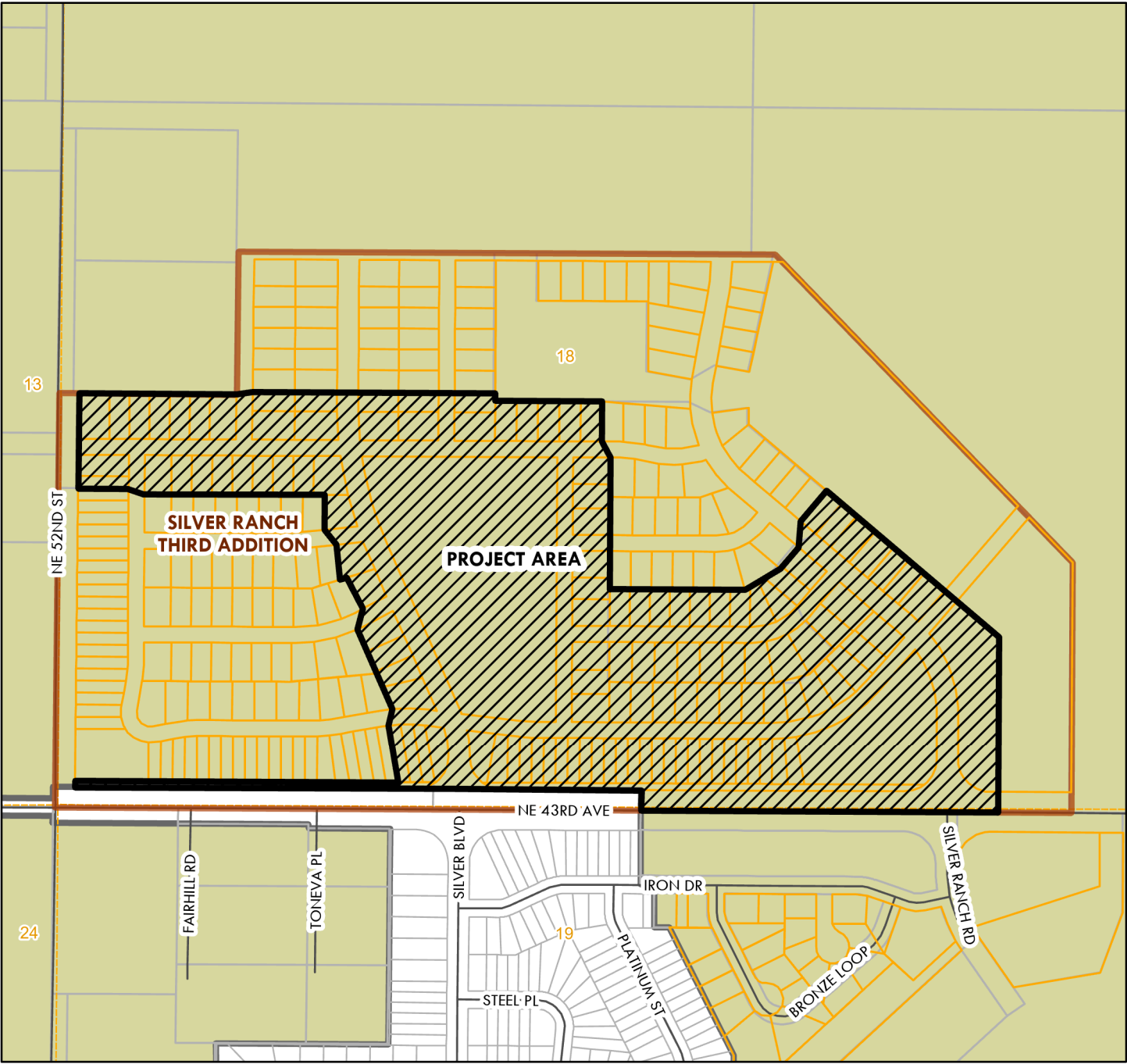
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Location Map
ANNEXATION OF PART OF SILVER RANCH THIRD ADDITION

ANNX2020-005

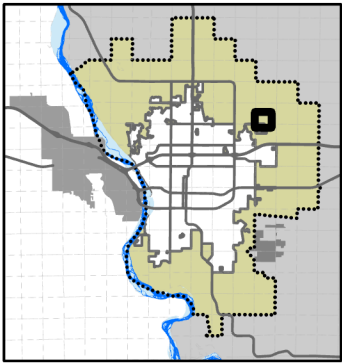


- City Limits
- County Outside ETA
- Bismarck ETA Jurisdiction
- Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
August 14, 2020 (HLB)

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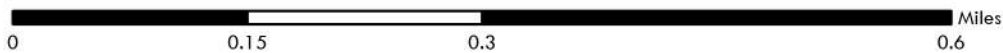
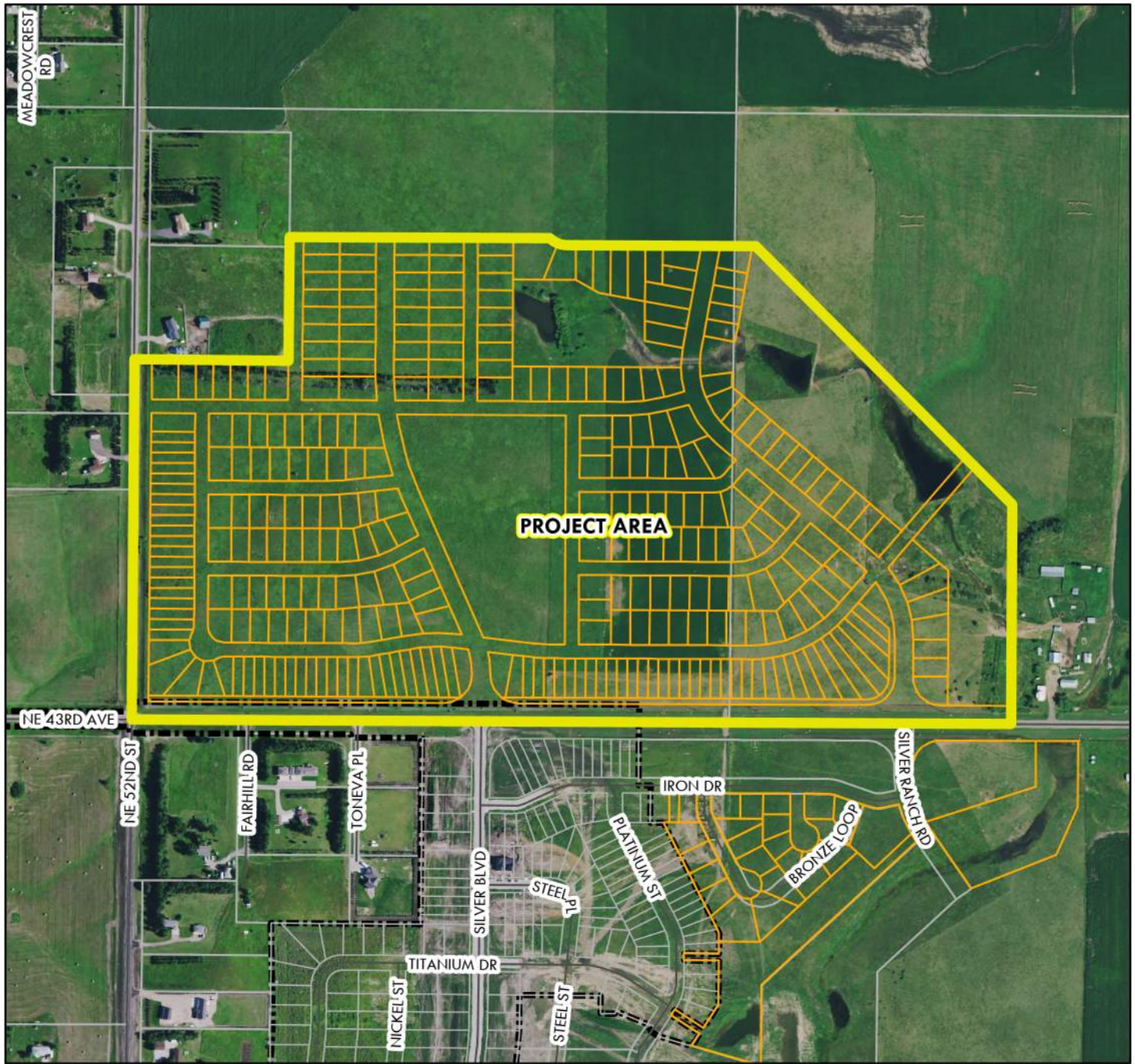




Aerial Map

SILVER RANCH THIRD ADDITION

PPLT2020-005
ZC2020-006

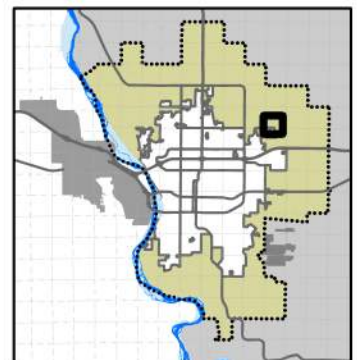


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from 2019

City of Bismarck
Community Development Department
Planning Division
May 27, 2020

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Zoning and Plan Reference Map

SILVER RANCH THIRD ADDITION

PPLT2020-005
ZC2020-006

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

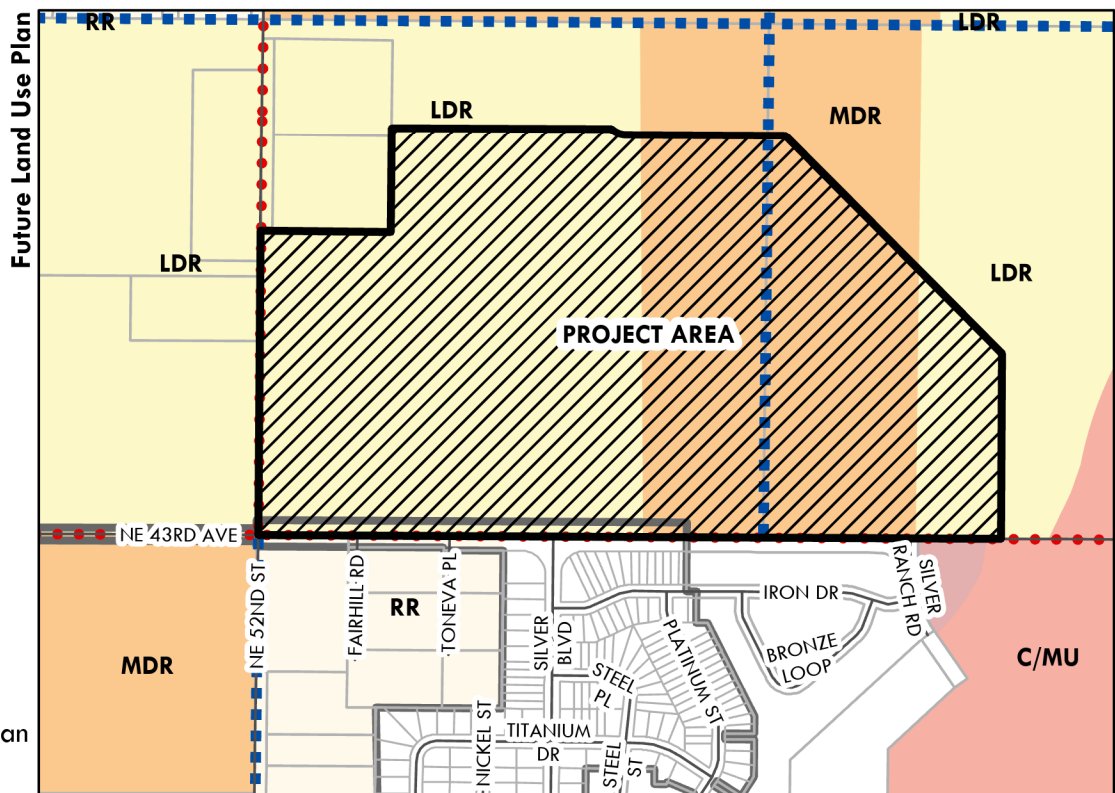
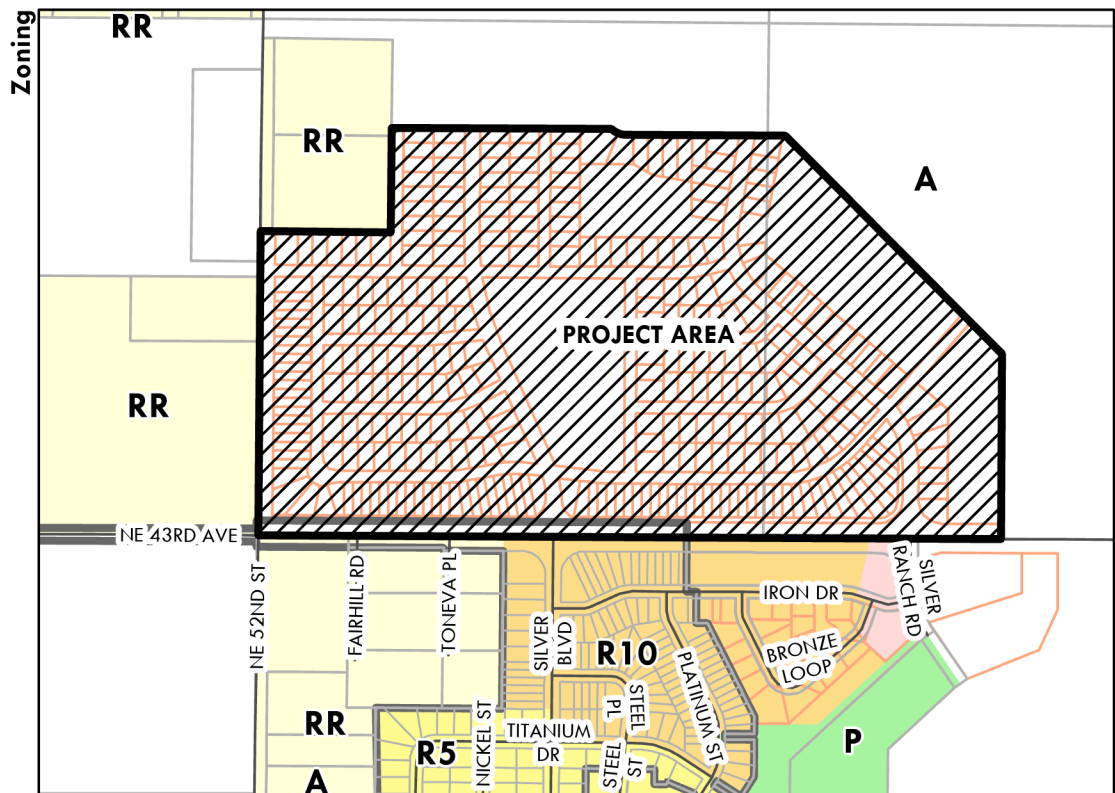
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- • • Future Arterial Road
- ■ ■ Future Collector Road

0 0.1 0.2 0.4 Miles



This map is for representational use only and does not represent a survey.
No liability is assumed as to the accuracy of the data delineated herein.



City of Bismarck
Community Development Dept.
Planning Division
May 27, 2020



SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

FARMP Amendment

Chad Wachter, LLC is requesting an Amendment to the Fringe Area Road Master Plan to relocate the North-South collector road on the east line of the SW 1/4 of Section 18, Township 139 N, Range 79 W. The right-of-way, as shown on the attached exhibit, lies north of 43rd Ave (an arterial road) and is an extension of Silver Ranch Road from the south.

Silver Ranch First Addition, & Silver Ranch First Addition First Replat, which dedicated & re-dedicated Silver Ranch Road south of 43rd Ave, have set the location for the collector at approximately 700 feet east of the FARMP's proposed location.

By continuing the extension of Silver Ranch Road north of 43rd within Silver Ranch Third Addition, the collector will then curve to the west, more closely aligning with the 1/4 line & the FARMP, and will eventually intersect with 57th Ave.



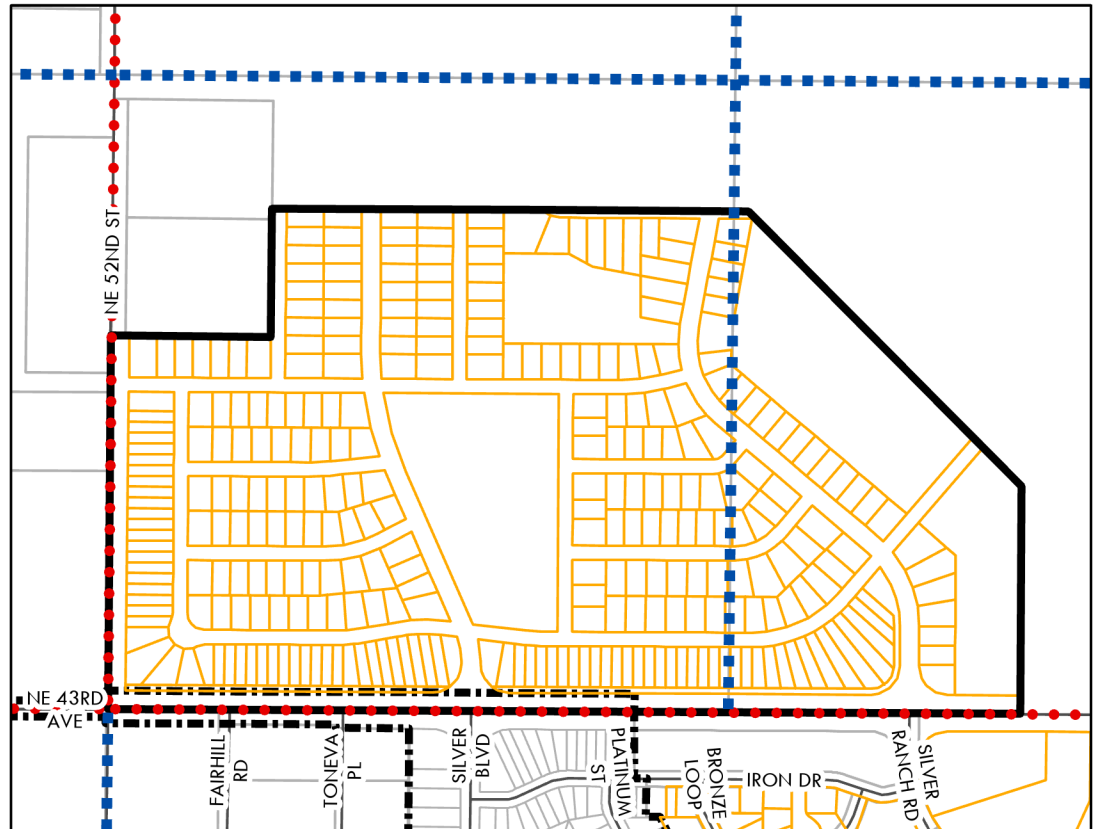
Existing Plan

Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

Associated Project Area

City Limits



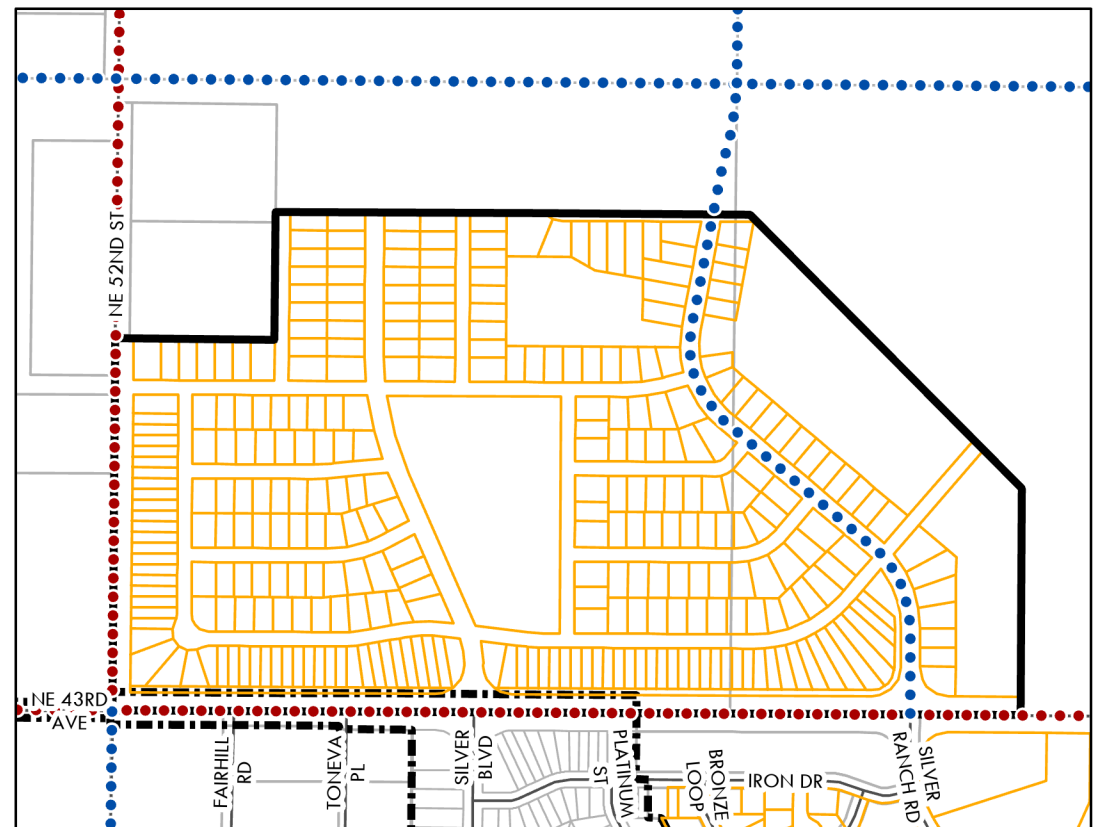
Proposed Plan

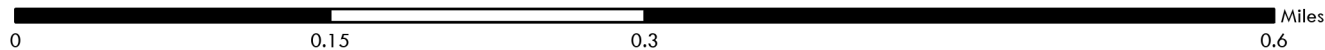
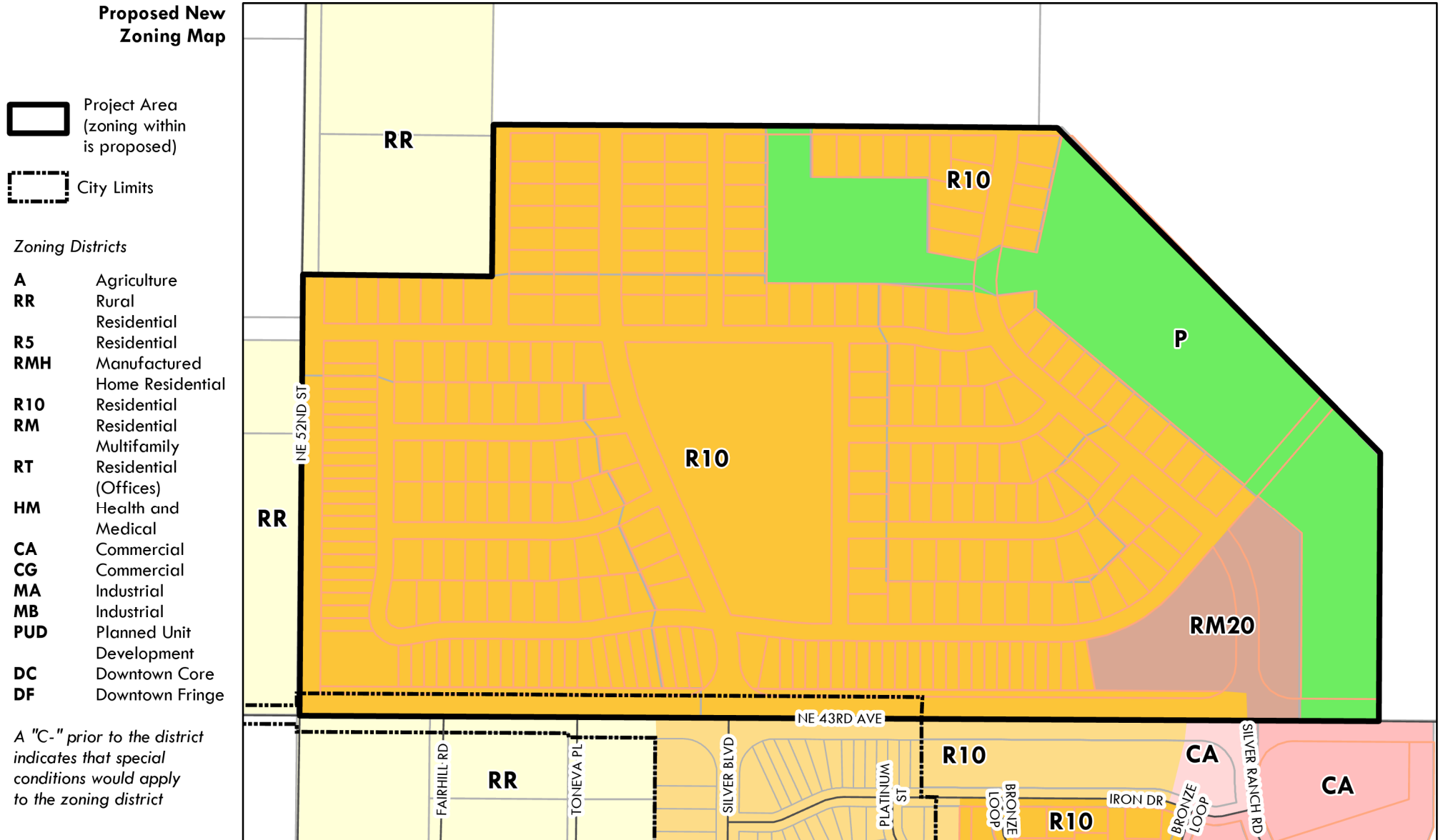
0 0.05 0.1 0.2 Miles



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City of Bismarck
Community Development
Department
Planning Division
June 16, 2020





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City of Bismarck
Community Development Dept.
Planning Division
August 17, 2020

SILVER RANCH THIRD ADDITION
BEING AUDITOR'S LOTS A, B, C, D, E, & F OF THE SOUTH 1/2
OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



AREA DATA

LOTS 1-15	15.00 ACRES
LOTS 16-30	15.00 ACRES
LOTS 31-45	15.00 ACRES
LOTS 46-47	15.00 ACRES
TOTAL	60.00 ACRES

AREA DATA

SW 1/4	15.00 ACRES
SE 1/4	15.00 ACRES
TOTAL	30.00 ACRES

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATUM:
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

**BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.**

VERTICAL BENCHMARK:
HYD. #230, ELEV. 1044.83 (IND. 29)
ROOSEVELT DRIVE & 43RD AVE

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	TANGENT
C1	146.61'	350.00'	24°00'00"	74.39'
C2	173.56'	600.00'	16°34'25"	87.39'
C3	69.81'	400.00'	10°00'00"	35.00'
C4	52.36'	300.00'	10°00'00"	26.25'
C5	153.17'	80.00'	109°41'50"	113.61'
C6	50.77'	300.00'	9°41'50"	25.45'
C7	243.61'	500.00'	27°54'58"	124.27'
C8	84.52'	800.00'	6°03'11"	42.30'
C9	544.54'	1300.00'	24°00'00"	276.32'
C10	68.84'	600.00'	6°34'25"	34.46'
C11	431.34'	500.00'	49°25'41"	230.12'
C12	392.70'	450.00'	50°00'00"	209.84'
C13	218.17'	250.00'	50°00'00"	116.58'
C14	174.53'	200.00'	50°00'00"	93.26'
C15	419.32'	400.00'	60°03'45"	231.23'
C16	202.38'	400.00'	28°59'48"	103.40'
C17	101.04'	400.00'	14°28'22"	50.79'
C18	105.37'	600.00'	10°03'45"	52.82'

DESCRIPTION

BEING AUDITOR'S LOTS A, B, C, D, E, & F OF THE SOUTH 1/2 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTH 00 DEGREES 36 MINUTES 32 SECONDS EAST, ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 18, A DISTANCE OF 1563.52 FEET TO THE BOUNDARY OF CHAD WACHTER; THENCE SOUTH 89 DEGREES 21 MINUTES 57 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 664.57 FEET; THENCE NORTH 00 DEGREES 39 MINUTES 17 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 535.88 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 18, A DISTANCE OF 2008.52 FEET; THENCE SOUTH 44 DEGREES 00 MINUTES 30 SECONDS EAST, A DISTANCE OF 1602.97 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 10 SECONDS WEST, A DISTANCE OF 938.57 FEET TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 18; THENCE NORTH 89 DEGREES 41 MINUTES 42 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1224.12 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 18, A DISTANCE OF 2580.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 158.99 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION, AND COMPLETED ON 08/11/2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
JSS
SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON 08/11/2020, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF, ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT. HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 08/11/2020 DAY OF 2020.

APPROVAL OF CITY ENGINEER

GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SILVER RANCH THIRD ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT CHAD WACHTER, LLC, AND SILVER RANCH 18, L.L.P., BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SILVER RANCH THIRD ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH, AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREOF FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

CHAD WACHTER
CHAD WACHTER, LLC

ON THIS 08/11 DAY OF 2020, BEFORE ME PERSONALLY APPEARED CHAD WACHTER OF CHAD WACHTER, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

SILVER RANCH 18, L.L.P.

ON THIS 08/11 DAY OF 2020, BEFORE ME PERSONALLY APPEARED SILVER RANCH 18, L.L.P., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

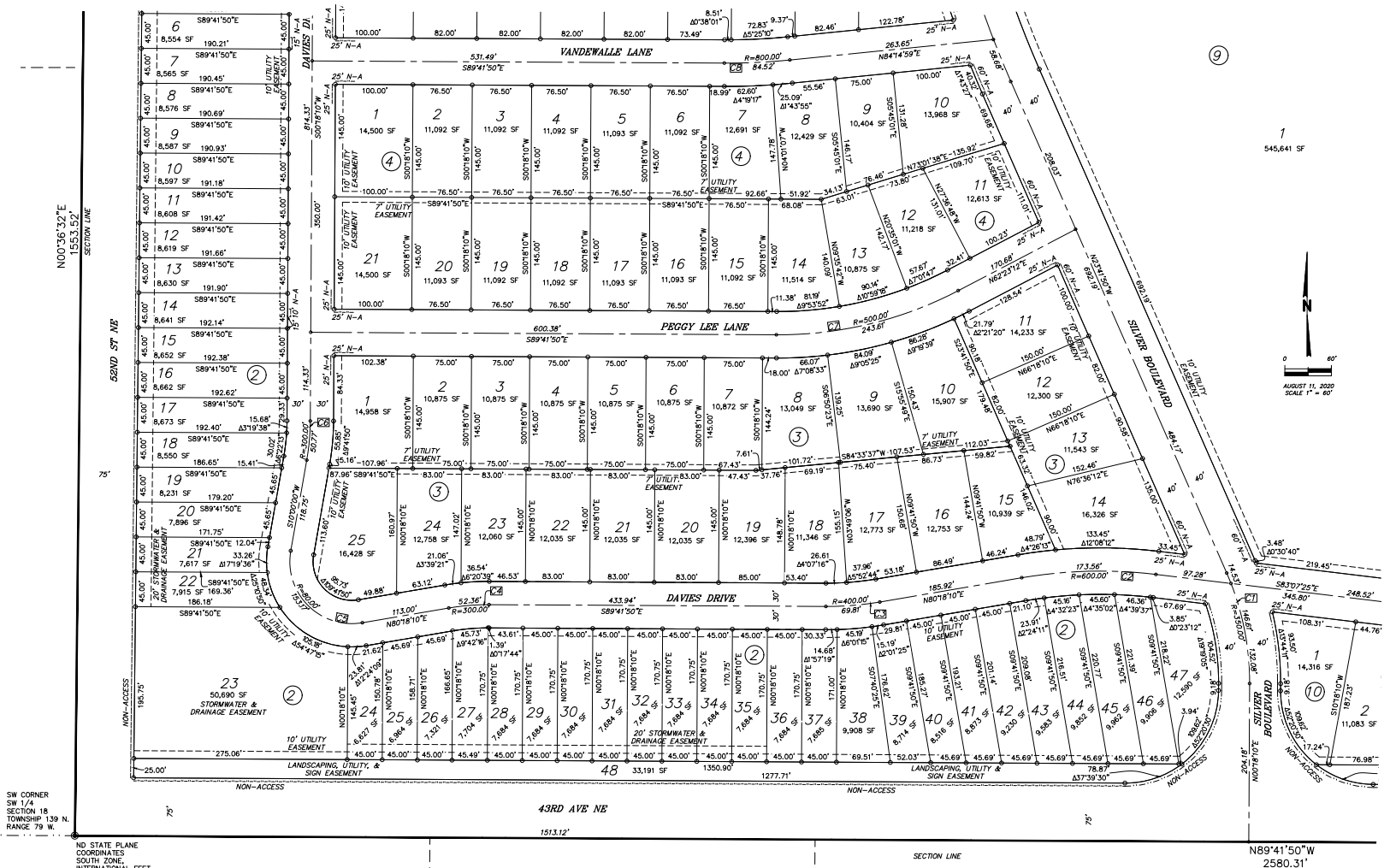
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES



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Construction Management

SILVER RANCH THIRD ADDITION

BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/2
OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SILVER RANCH THIRD ADDITION

BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/2
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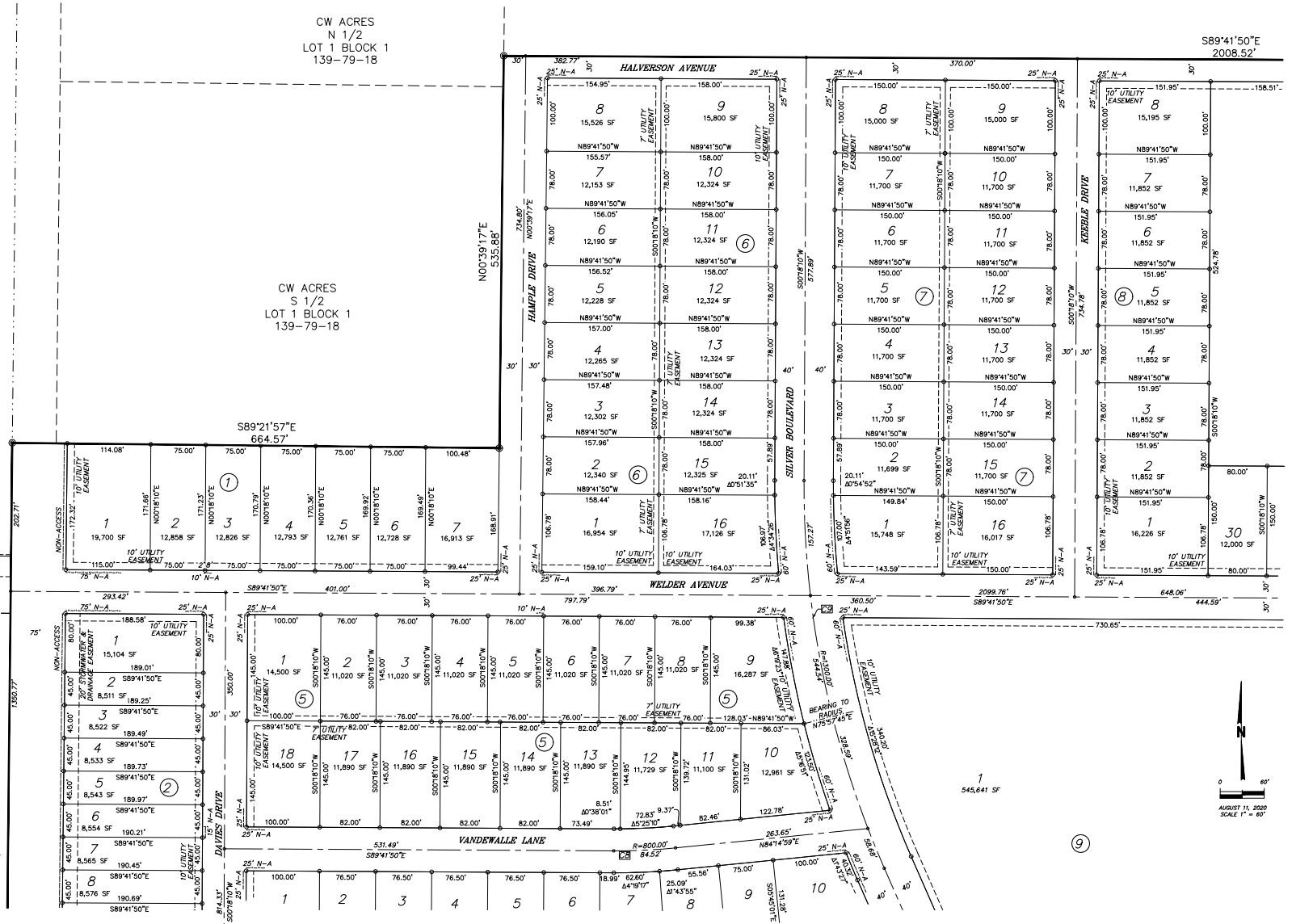
TRACT B
SECTION 13
TOWNSHIP 139 N.
RANGE 80 W.

TRACT A
SECTION 13
TOWNSHIP 139 N.
RANGE 80 W.

UNPLATTED N 1/2
NE 1/4 SE 1/4 SE 1/4
SECTION 13
TOWNSHIP 139 N.
RANGE 80 W.

CW ACRES
N 1/2
LOT 1 BLOCK 1
139-79-18

CW ACRES
S 1/2
LOT 1 BLOCK 1
139-79-18



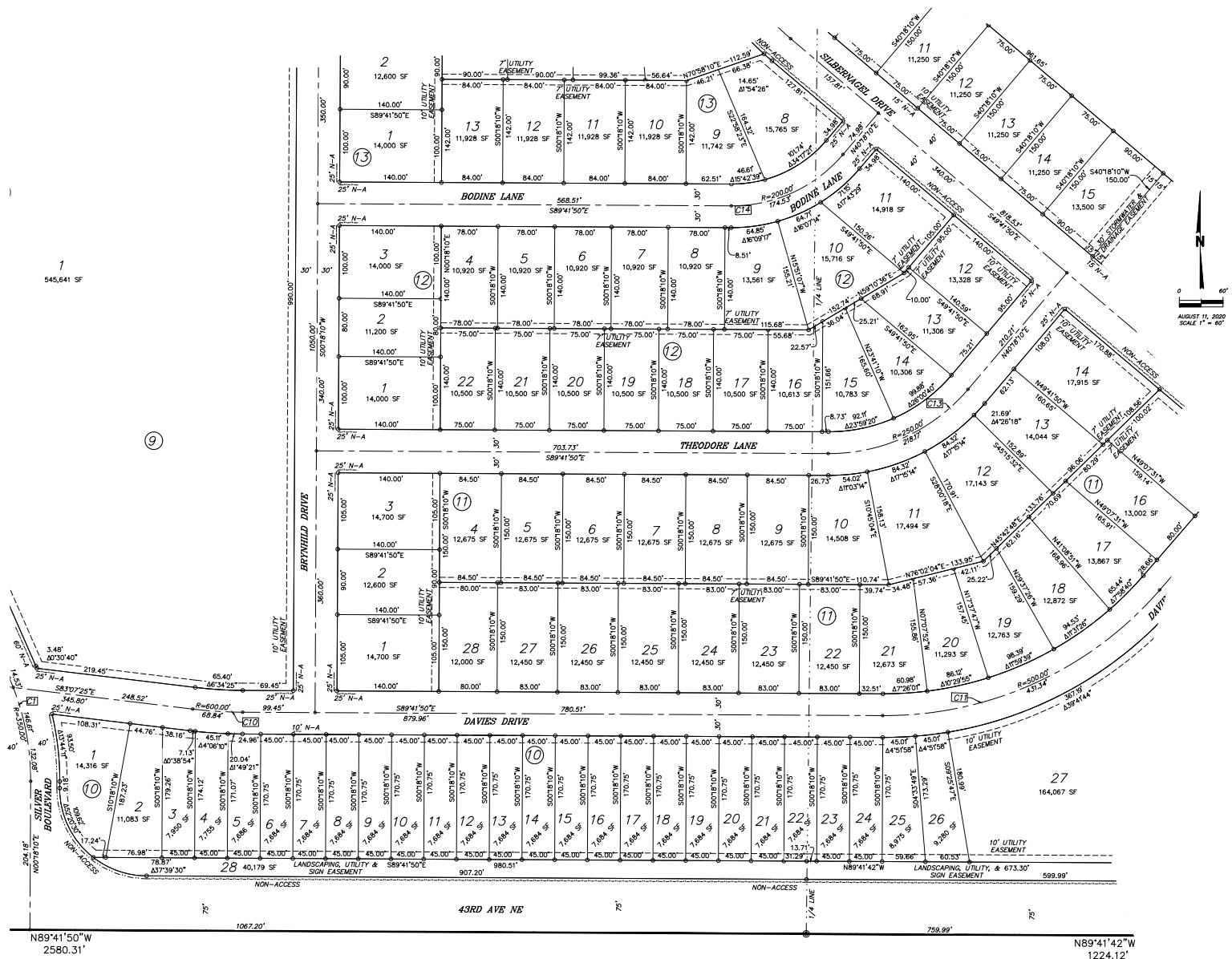
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

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 shagen@swensonhagen.com
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 Fax (701) 223 - 2606

SILVER RANCH THIRD ADDITION

BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/2
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BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

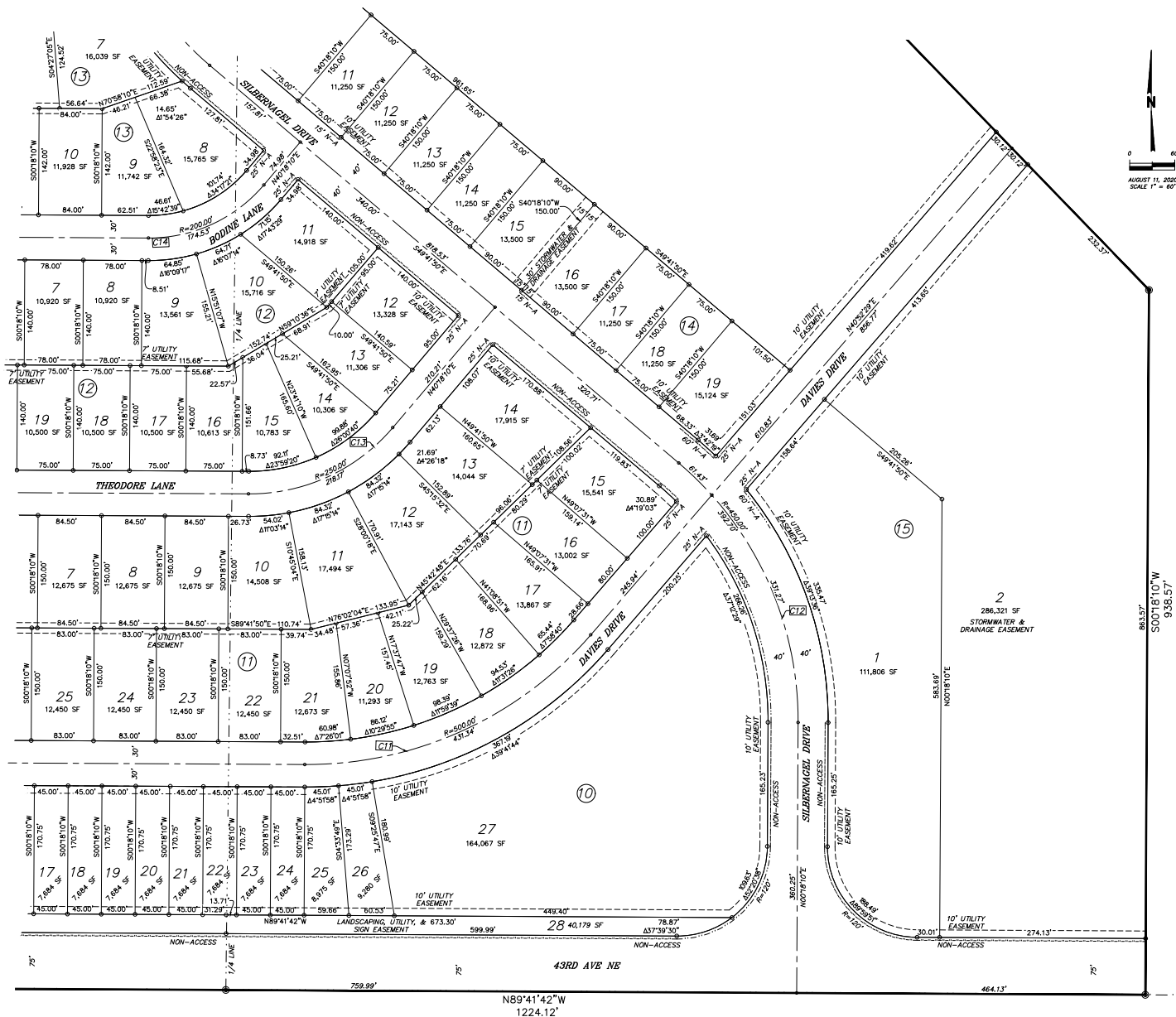


SILVER RANCH
FIRST ADDITION
FIRST REPLAT



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Civil Engineering
Landscape & Site Design
Construction Management

SILVER RANCH THIRD ADDITION
 BEING AUDITOR'S LOTS A,B,C,D,E, & F OF THE SOUTH 1/2
 OF SECTION 18 TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SE 1/4
 139-79-18

SILVER RANCH
 FIRST ADDITION
 FIRST REPLAT

UNPLATTED
 SECTION 19
 TOWNSHIP 139 N.
 RANGE 80 W.



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SILVER RANCH THIRD ADDITION

PART OF THE S 1/2 OF
SECTION 18, TOWNSHIP 139 NORTH, RANGE 79 WEST
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



159 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R10
299 LOTS

OWNER: SILVER RANCH 18, LLLP
ADDRESS: 1117 N 3RD ST
BISMARCK, ND 58501



Silver Ranch Additions' effect on the existing transportation system
From the Burleigh County Highway Department's perspective

Prior to Silver Ranch 1st Addition:

The Silver Ranch 1st Addition came to our attention around 2016. At that time 43rd Avenue NE was a gravel roadway east of 52nd Street NE and we stated that if Silver Ranch Addition was to be constructed that they would need to follow the County's Pavement policy and reconstruct/pave 43rd Avenue NE adjacent to Silver Ranch Addition. We did explain that the County was looking into reconstruction of 43rd Avenue NE (from 52nd Street NE to 80th Street NE) but did not have a schedule time for completion. With this knowledge in hand, the developers of Silver Ranch Addition/City Planning Staff informed us that Silver Ranch Addition was being placed on hold until further notice. We completed our plans for the reconstruction of 43rd Avenue NE and started construction in 2017. Once we started construction, we were informed that Silver Ranch Addition was back on and that since we were already reconstructing 43rd Avenue NE that under the County's Pavement policy they did not need to contribute to the pavement of our project.

Silver Ranch 1st Addition:

The County Highway Staff and the City Planning Staff had numerous conversations regarding the Silver Ranch 1st Addition and how the subdivision would be connected to the rest of the City. We strongly believed that the subdivision should be connected to the south using 52nd Street SE and E Century Avenue. This route follows the natural progression of the city limits and would help support fill in development.

At this point we need to explain that the County's transportation goals differ from the City's goals. The County believes that the transportation system needs to focus on designing and building routes that enhance the north/south and east/west connective within (and around) the City, support economic development and encourage fill in development. To this end the County has adopted a Gravel Road Construction Program which designates various roadways in the area to be constructed and paved in order to support our goals. The best example of this is our construction and paving of 57th Avenue NE between North Washington Street and State Highway 83. Prior to 2013 this road consisted of a seldom used section line to which we were called out several times a year to remove abandoned garbage. Since its construction we have seen this roadway serve our goals and enhance east/west travel in the area, support numerous economic development projects along it and helped to hold back leap frog development. The County Program is proactive and works with or before development takes place so that the needs of our residents and not developers are our first priority.

In addition, we would then have time to reconstruct 43rd Avenue from 52nd Street NE to the west. We felt strongly that the reconstruction of 52nd Street south of 43rd Avenue could have been accomplished with a joint project between the City, the Silver Ranch developer and other developers in the area. This project would help all involved in development in the area and help support the natural progression of the City. Our advice was not taken and the City and Silver Ranch developer decided that the annexation of 43rd Avenue from 52nd Street NE to Roosevelt Drive would be the preferred route. We informed the City that we did not believe 43rd Avenue NE would be able to take the additional construction traffic but that it would be their problem.

Since the approval of Silver Ranch 1st Addition and the beginning of construction within the development, it has become obvious that 43rd Avenue can not take the additional traffic. We would like

to note at this time that the City's Public Works Department has been trying very hard to stay ahead of the problems in this area, and for the most part have been able to keep this roadway passable. However, it is apparent that a longer-term solution needs to be developed in order to keep this roadway open.

Silver Ranch 2nd and 3rd Addition:

The County Highway Staff and the City Planning Staff have had few conversations regarding the Silver Ranch 2nd and 3rd Additions since the vast increase in traffic resulting from these additions will be using existing City routes and County routes that have been recently reconstructed (52nd Street NE from 43rd Avenue to the north entrance of Silver Ranch 3rd Addition) or are programmed to be reconstructed (43rd Avenue from Roosevelt Drive to 26th Street NE) in the next year. However, the County Highway Department does feel that the City Planning Commission and the City Commission need to consider the effect of additional traffic has on the whole transportation system in the area when approving developments that extend out into the ETA.

Silver Ranch 3rd Addition and future developments:

As Silver Ranch continues to expand from the 3rd Addition and beyond (we have seen master planning for the complete build out of section 18), we need to decide now how the area transportation needs are being met. Several questions have arisen during the Public Hearing discussions for Silver Ranch 3rd Addition regarding the transportation system. The first is the issue of secondary access to the area. When reviewing the existing transportation system, it becomes obvious that there are secondary accesses into the area (57th Avenue to the north and 43rd Avenue to the east). The question really is "Are these secondary accesses of acceptable length, or are they too long in order to achieve the required level of service for Fire and Police protection that the residents of Bismarck demand/require/desire?" and "Are the roadway conditions adequate enough to meet the needs of the City and County Residents?" The answer to the first question is best left to individuals that have expertise in this area and therefore the Highway Department does not take a position on that. However, the second question does fall in our area of expertise and therefore we will present an opinion.

The roadway segments that have been reconstructed or are going to be reconstructed in the near future will be able to handle the increase in traffic. However, the portion of 43rd from 52nd Street NE to Roosevelt Drive is in bad shape and despite the City Public Works Department's best efforts, this segment will collapse. The reason for this collapse is directly related to the additional traffic that is a result of the construction of Silver Ranch Addition. Therefore, some arrangements need to be made during the plat approval process for them to contribute to the reconstruction and paving of this segment of roadway.